

MICHIGAN DEPARTMENT OF CORRECTIONS <b>POLICY DIRECTIVE</b>	EFFECTIVE DATE 05/30/2022	NUMBER 05.02.110
	SUBJECT PRISONER WORK ASSIGNMENT PAY AND SCHOOL STIPEND	
SUPERSEDES 05.02.110 (10/05/2020)		AUTHORITY MCL 791.203
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**POLICY STATEMENT:**

Prisoners in Michigan Department of Corrections (MDOC) correctional facilities who are assigned to work and/or school shall be paid and/or receive stipends for the assignments as set forth in this policy except if in the Special Alternative Incarceration Program.

**RELATED POLICIES:**

- 03.02.121 Public Works/Gate Pass Assignments
- 05.01.100 Prisoner Program Classification
- 05.02.112 Education Programs for Prisoners

**POLICY:**

GENERAL INFORMATION

- A. Prisoners shall be assigned to work and/or school in accordance with PD 05.01.100 "Prisoner Program Classification." Prisoners assigned to work are not employees of the Department and, therefore, are not eligible to receive workers' compensation or unemployment compensation benefits for their work assignments.
- B. The Administrator of Michigan State Industries (MSI), Budget and Operations Administration (BOA), shall ensure that the MSI Operating and Work Rule Manual is maintained, reviewed annually, and updated as needed. The Manual shall identify requirements unique to MSI assignments, including the MSI positions to which prisoners may be assigned and the appropriate pay rate for each. Where in conflict with this policy, the MSI Operating and Work Rule Manual shall control for prisoners assigned to MSI positions. The Manual shall be made available to Wardens for use by the Classification Director and other staff involved in the MSI work assignment pay process.
- C. In conjunction with the Offender Success Administration, the Correctional Facilities Administration (CFA) Deputy Director shall work to ensure that the Program Classification Manual is maintained, reviewed annually, and updated as needed. The Manual shall identify all non-MSI positions to which prisoners may be assigned to work. The Manual shall include a general description of each position and the required education, experience, skills, and, for purposes of pay, the appropriate skill level (i.e., unskilled, semi-skilled, skilled) for the position. The Manual shall be made available to Wardens for use by the Classification Director and other staff involved in prisoner work assignment pay and school stipends.
- D. Generally, prisoner work and school assignments shall be scheduled for not more than five days per week unless otherwise approved by the Warden. A prisoner may be required to work on their regular day off or to have their workday extended based on operational or other institutional needs. Scheduling also may be reduced when it is necessary to limit prisoner idleness during periods of facility overcrowding, and when it is necessary to distribute the available work in an equitable manner.
- E. Each Warden shall designate a staff person to monitor work assignment pay and school stipends at the facility. Prisoners shall be provided work assignment pay and school stipends, as appropriate, on a monthly basis.
- F. Prisoners shall receive work assignment pay, including for public works assignments and school stipends only for days they work or attend school, except as set forth in Paragraphs KK and NN.

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### WORK ASSIGNMENT PAY

- G. The Department shall report to the Internal Revenue Service the amount of pay received by each prisoner for a work assignment in accordance with the Internal Revenue Code. In conjunction with the CFA ADD of the Operations Division, the Administrator of the Budget, accounting, and Projections Division, Budget and Operations Administration (BOA), shall issue instructions on how to report such payments.
- H. Prisoners assigned to public works shall be paid at the appropriate rate set forth in PD 03.02.121 "Public Works/Gate Pass Assignments." Prisoners assigned to MSI shall be paid at the appropriate rate set forth in the MSI Operating and Work Rule Manual.
- I. All other prisoners assigned to work shall be paid at the appropriate rate identified in Attachment A, subject to the criteria set forth below. The pay rates are for full-time assignments (i.e., six hours of work daily, excluding time for meals and breaks) unless indicated otherwise. Prisoners on less than a full-time assignment shall be paid on a prorated basis. Prisoners on dual work assignments shall be paid for both assignments.
- J. A prisoner whose regular workday is a holiday or weekend shall be paid for those days at the prisoner's normal rate of pay. A prisoner who is required to work on their regular day off, or whose regular workday is extended, shall be paid their normal rate of pay on a prorated basis for the hours worked; in lieu of such pay, a prisoner may be provided alternative time off from the assignment with approval of the assignment supervisor.
- K. A prisoner shall be paid their normal rate of pay plus an additional \$2.00 for those days they are required to work under conditions that are considered unusually difficult (e.g., bloodborne pathogen clean up, working with high voltage). The Warden or designee shall determine what conditions shall warrant such pay.

### Food Service Pay Scale

- L. A prisoner working in Food Service shall be paid in accordance with the Food Service pay scale at the appropriate level designated in the Program Classification Manual for the position to which they are assigned and may be scheduled to work up to eight hours a day. Prisoners working in Food Service may work up to an additional four hours a day, with approval of the Food Service Supervisor, if there is an institutional need. If the institutional need requires a prisoner to work over 12 hours a day, approval from the Facility Business Manager or designee shall be obtained. Prisoners working in Food Service shall not work more than 200 hours a month, and any exceptions noted on the monthly prisoner payroll shall be accompanied by a memo from the Facility Business Manager outlining corrective action taken to prevent future occurrences.
- M. Except as set forth in Paragraph N, prisoners paid in accordance with the Food Service pay scale and assigned to a semi-skilled or skilled position shall be paid an additional 15% if assigned to a position for which they have completed a related career and technical (i.e., "vocational") education program (e.g., Food Service Hospitality Management). Prisoners assigned to a Food Service work assignment on or after August 1, 2018 shall only be eligible to receive the additional 15% pay if they completed the career and technical education program on their current prefix.
- N. Prisoners being paid at the Food Service apprentice level shall continue to be paid at that level while on that assignment at that facility. Payment at the apprentice level shall cease upon transfer or reassignment, even if the prisoner is subsequently classified to an assignment related to the apprentice training. No other prisoners shall be paid at the apprentice level.
- O. Prisoners starting a Food Service assignment on or after April 1, 2008 are not eligible for performance bonuses. A prisoner working on a Food Service assignment prior to April 1, 2008 is eligible for a bonus after completing two months of satisfactory performance on a Food Service assignment at the same facility. For prisoners eligible to receive a bonus, a Prisoner Program and Work Assignment Evaluation (CSJ-363) shall be completed at the conclusion of the prisoner's third month on the assignment, and each month thereafter, until the prisoner is reassigned or transferred. A prisoner who receives an above average performance score on the evaluation shall receive the bonus unless the prisoner has received three or more exceptions to any of the items listed on the evaluation. The bonus shall be prorated based on the actual number of hours worked.

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If the prisoner transfers to a new facility on or after April 1, 2008 and receives a Food Service assignment, they will no longer be eligible for a bonus at the new facility or at any subsequent facilities to which they transfer.

License Pay Rate

- P. Prisoners being paid at the former apprentice/license pay scale based on their apprentice training shall be paid at the license pay rate while on that assignment at that facility. Payment at that rate based on the apprentice training shall cease upon transfer or reassignment, even if the prisoner is subsequently reclassified to an assignment related to the apprentice training.
- Q. A prisoner also shall be paid in accordance with the license pay rate if assigned to a position for which they have provided verifiable proof of being currently or previously licensed by a state agency and has demonstrated competency in the field within 30 calendar days of assignment, as determined by the appropriate supervisor and documented on a Prisoner Program and Work Assignment Evaluation (CSJ-363). However, a license that requires only a basic review of literature, no special skills or training, and a test to obtain the license shall not qualify. A prisoner who provides proof after assignment to the position shall not receive back pay.

Advanced Education/Training Pay Scale

- R. A prisoner assigned as a Tutor for an academic program shall be paid at the first level if they have completed at least 31 college credit hours in a field of study related to the position and/or they have verifiable proof of having completed education or training beyond a high school equivalency certificate in a related field of study as verified by the Principal. The prisoner shall be paid at the second level if they have completed at least an associate degree or 62 college credit hours in a field of study related to the position as verified by the principal. a prisoner who provides proof after assignment to the position shall not receive back pay.
- S. A prisoner who has completed a career and technical education program and is assigned as a Tutor for that program shall be paid at the first level. The prisoner shall be paid at the second level if they have completed a career and technical education program and have additional advanced training related to the position as verified by the Principal.
- T. A prisoner who has completed an employment readiness program and is assigned as a tutor for that program shall be paid at the first level.
- U. A prisoner assigned as an HIV Peer Educator shall be paid at the first level of the advanced education/training pay scale.
- V. A prisoner assigned as a Prison Rape Elimination Act (PREA) Peer Educator shall be paid at the first level of the advanced education/training pay scale.
- W. A prisoner assigned as an Inpatient Mental Health Prisoner Aide shall be paid at the first level of the Advance Education/Training Pay Scale.
- X. A Michigan Sexual Abuse Prevention Program (MSAPP) Self-Help Facilitator shall be paid at the first level of the advanced education/training pay scale.
- Y. A prisoner who was assigned as a General Library Aide prior to August 1, 2018, and correctly received pay at the first level of the advanced education/training pay scale, shall continue to be paid at the first level of that pay scale. If the prisoner is reclassified to a different assignment, they will no longer be eligible for pay under the advanced education/training pay scale if they receive a General Law Library assignment at a later date.
- Z. A prisoner assigned as a Law Library Aide shall be paid at the first level of the advanced/education/training pay scale. However, if prior to, August 1, 2018, a prisoner was assigned as a Law Library Aide and correctly received pay at the second level of the advanced education/training pay scale, that prisoner shall continue to be paid at the second level of that pay scale. If the prisoner is reclassified to a different assignment, they will no longer be eligible for pay at the second level of the advanced education/training pay scale if they receive a Law Library Aide assignment at a different date.

- AA. A prisoner assigned to the Legal Writer Program shall be paid at the second level of the advanced education/training pay scale.
- BB. A prisoner assigned as a Prisoner Palliative Care Aide shall be paid at the second level of the advanced education/training pay scale.
- CC. A prisoner assigned as a Certified Peer Support Specialist shall be paid at the second level in the advanced education/training pay scale.
- DD. A prisoner assigned as a Certified Peer Recovery Coach shall be paid at the second level of the advanced education/training pay scale.
- EE. A prisoner assigned as a Prisoner Observation Aide shall be paid at the highest daily rate of the advanced education/training pay scale for each 24-hour period during which the prisoner is called-out for the assignment.

Michigan Braille Transcribing Fund

- FF. Prisoners assigned to the Michigan Braille Transcribing Fund shall be paid as set forth in Attachment A.

Standard Pay Scale

- GG. All other prisoners shall be paid in accordance with the standard pay scale at the level designated in the Program Classification Manual for the positions to which they are assigned. This includes prisoners assigned as General or Law Library Aides except as set forth in Paragraphs Y and Z.
- HH. A prisoner paid in accordance with the standard pay scale and assigned to a semi-skilled or skilled position shall be paid an additional 15% beginning the first day of the assignment if they are assigned to a position for which they have completed a related career and technical education program (e.g., prisoner is assigned as a porter and has completed a custodial maintenance technology program). Prisoners assigned to a semi-skilled or skilled position on or after August 1, 2018 shall only be eligible to receive the addition 15% pay if they completed the career and technical education program on their current prefix.

SCHOOL STIPEND

- II. All prisoners assigned to school, or who are attending college programs offered in accordance with PD 05.02.112 "Education Programs for Prisoners," shall receive a school stipend unless they also have a full-time work assignment. A prisoner working full-time and assigned to school full-time or part-time shall be paid only for the work assignment. A prisoner working part-time and assigned to school full-time or part-time shall be paid for work and shall receive a school stipend, however, the total, including any supplementary school stipend received pursuant to Paragraph JJ, shall not exceed what the prisoner would have received on the work assignment full-time. A prisoner who is not working but is assigned to school, including to cell study, shall receive a full-time school stipend regardless of the number of hours they are assigned to attend school.
- JJ. Each prisoner receiving a school stipend shall be evaluated at the end of each quarter to determine eligibility to receive a supplementary school stipend. To be eligible, the prisoner must receive a satisfactory performance score on the Prisoner Program and Work Assignment Evaluation (CSJ-363) or the Educational Program Plan (CSJ-363A), as appropriate. Eligible prisoners shall receive the supplementary school stipend beginning the pay period following the quarter for which the prisoner was evaluated.

ABSENCES

- KK. Prisoners shall be paid for work and shall receive a school stipend for absences from their assignments only for the following call outs; this does not apply to an absence from a public works or MSI assignment:
  - 1. Warden;
  - 2. Deputy Warden;

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3. Assistant Deputy Warden;
4. Inspector;
5. Shift Commander;
6. Parole Board interviews or hearings;
7. Health Care visits initiated by a qualified health professional or required by the Department, including transfer assessments, intake and annual health screenings, and required follow-up care;
8. Psychiatric/psychological services;
9. Mobilization and other drills for emergency preparedness;
10. Warden's Forum.

LL. An unauthorized absence from a work or school assignment may result in disciplinary action pursuant to PD 03.03.105 "Prisoner Discipline."

MM. After one year of continuous service on the same work assignment at the same facility, a prisoner may request five continuous days off work each year without pay. The prisoner must submit their written request to the assignment supervisor indicating the days off requested and receive prior approval from the assignment supervisor based on operational needs. Days off shall not be approved in less than a five-day increment or less than 90 days following a previously approved absence.

NN. Prisoners may be paid for their work or school assignment if they are absent due to quarantine as approved by the CFA Deputy Director or designee.

#### OPERATING PROCEDURES

OO. If necessary, to implement the requirements set forth in this policy, Wardens shall ensure that procedures are developed/updated.

#### AUDIT ELEMENTS

PP. A Primary Audit Elements List has been developed and is available on the Department's Document Access System (DAS) to assist with self-audit of this policy pursuant to PD 01.05.100 "Self-Audits and Performance Audits."

#### ATTACHMENTS

QQ. This policy includes the following attachment:

1. Attachment A - Work Assignment Pay and School Stipend

APPROVED: HEW 04/18/2022

**ATTACHMENT A**

**WORK ASSIGNMENT PAY AND SCHOOL STIPEND**

WORK ASSIGNMENT

1. Standard Pay Scale:

<u>Skill Level</u>	<u>Entry Daily Rate</u>	<u>Entry Daily Rate with Additional 15%</u>	<u>Daily Rate After Two Months</u>	<u>Daily Rate After Two Months with Additional 15%</u>
Unskilled	\$ .74	N/A	\$0.84	N/A
Semi-skilled	\$ .94	\$1.08	\$1.14	\$1.31
Skilled	\$1.24	\$1.43	\$1.54	\$1.77

2. Food Service Pay Scale:

<u>Skill Level</u>	<u>Hourly Rate</u>	<u>Hourly Rate with Additional 15%</u>	<u>Hourly Performance Bonus, if Eligible</u>	<u>Maximum Performance Bonus (per month), if Eligible</u>
Unskilled	\$ .18	N/A	\$ .12	\$20.00
Semi-skilled	\$ .24	\$ .27	\$ .18	\$30.00
Skilled	\$ .33	\$ .38	\$ .24	\$40.00

Apprentice: \$3.29 per day

3. Advanced Education/Training Pay Scale:

<u>Level</u>	<u>Entry Daily Rate</u>	<u>Daily Rate After One Month</u>	<u>Daily Rate After Two Months</u>
First	\$2.08	\$2.38	\$2.62
Second	\$2.84	\$3.10	\$3.34

4. License Pay Rate: \$3.04 per day

5. Prisoners assigned to the Michigan Braille Transcribing Fund shall be paid at a rate recommended by the Michigan Braille Transcribing Fund, as approved by the CFA Deputy Director.

SCHOOL

1. Student School Stipend:

<u>Daily School Stipend</u>	<u>Daily School Stipend with Supplementary Stipend</u>
\$ .54	\$ .59